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NOTICE OF ALLOWANCE AND FEE(S) DUE

28765

7590

09/25/2009

WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON, DC 20006

EXAMINER

FIELDS, BENJAMIN S

ART UNIT

PAPER NUMBER

3692

DATE MAILED: 09/25/2009

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|---------------------------|---------------------|------------------|
| 10/054,192 | 01/22/2002 | Charles Gordon Fisher III | 84417-4002 | 4435 |

TITLE OF INVENTION: SYSTEM FOR AND METHOD OF INDIVIDUAL ANNUITY PAYOUT ADMINISTRATION

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO | \$1510 | \$0 | \$0 | \$1510 | 12/28/2009 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
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Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

28765 7590 09/25/2009

WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON, DC 20006

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

| |
|--------------------|
| (Depositor's name) |
| (Signature) |
| (Date) |

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| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|--------------------|----------|----------------|
| FIELDS, BENJAMIN S | 3692 | 705-035000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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EXAMINER

FIELDS, BENJAMIN S

ART UNIT

PAPER NUMBER

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1224 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1224 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/054,192

Examiner

BENJAMIN S. FIELDS

Applicant(s)

FISHER, CHARLES GORDON

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 13 August 2009.
2. ☒ The allowed claim(s) is/are 1-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Status of Claims

1. **NO Claims have been cancelled; Claims 1, 5, 9, 20, 24, and 35 have been newly amended; Claim 39 has been newly added;** hence, as such, **Claims 1-39 are pending within this application.**

EXAMINER'S AMENDMENT

2. The following Examiner's Amendment has been authorized by the Applicant's representative, Pejman Sharifi (Reg. # 45,097) 21 September 2009 in order to clarify the language of Claims 5, 9, 20, 24, and 35. Claims 5, 9, 20, 24, and 35 have been amended by way of this Examiner's Amendment.

CLAIM 5 (Currently amended) A method of administering a payout option of an individual annuity contract of a contract owner, wherein said individual annuity contract is a variable annuity contract or a fixed annuity contract, said method comprising the steps: storing data relating to said individual annuity contract in a memory, said data including an associated payout option which permits the contract owner of said individual annuity contract to request and withdraw an amount from the annuity during a payout phase of the individual annuity contract; after entry into the payment phase, receiving a request from said contract owner for a withdrawal of the amount from said annuity at a processor coupled to the memory; using the processor to calculate a payout to said contract owner in response to said request when the processor

determines that scheduled payments under the payout phase will not be reduced below a minimum value for remaining payments under the payout phase; providing an option to a user to interact with the processor to select surrender of the annuity contract during the payment phase, **to obtain a payout of principal in its entirety** wherein the value of the surrender amount of the annuity corresponds to a prorated value of the stream of future annuity payments under the annuity contract; issuing said payout to said contract owner; and terminating said annuity contract.

CLAIM 9 (Currently amended) A system for administering an annuity contract comprising: a database provides storage to information related to the annuity contract, the information including a payout option and an annuitization date, wherein a computer is configured to determine whether the contract has annuitized based on the annuitization date; access the database to determine the payout option; calculate an annuity payment based on the payout option, wherein the payout option is an option where payments are made to a predetermined age; determine entry into a payout phase after the annuitization date; after entry into the payment phase, calculate one of a partial withdrawal amount **or** a surrender amount **for a payout of principal in its entirety based** on information in the database, wherein the value of the annuity corresponds to a value of the stream of future annuity payments under the annuity contract; and generate an output corresponding to the partial withdrawal amount or the surrender amount.

CLAIM 20 (Currently amended) A system for administering an annuity contract comprising the instructions for: a database provides store information, including an annuitization date and an assumed investment return (AIR); and a computer is configured to check the database to: determine whether the contract has annuitized based on the annuitization date; access the database to determine the payout option; determine entry into a payout phase after the annuitization date, wherein the payout option is an option where payments are made to a predetermined age; after entry into the payment phase, calculate a reserve amount based on information in the database; and calculate the value of the surrender amount of the annuity to obtain a payout of principal in its entirety, wherein the amount corresponds to the value of the stream of future annuity payments under the annuity contract; the computer is further configured to generate an output corresponding to the reserve amount and to provide an option to a user to select to surrender the annuity contract during the payment phase and to generate a surrender value to be paid to the contract owner.

CLAIM 24 (Currently amended) A method of administering an annuity contract comprising: providing a database to store information related to the annuity contract, the information including a payout option and an annuitization date; determining whether the contract has annuitized based on the annuitization date; accessing the database to determine the payout option; calculating the value of the annuity to correspond to a value of the stream of future annuity payments under the annuity contract; calculating an annuity payment based on the payout option; determining entry into a payout phase

after the annuitization date, wherein the payout option is an option where payments are made to a predetermined age; after entry into the payment phase, calculating one of a partial withdrawal amount and a surrender amount **for obtaining a payout of principal in its entirety** based on information in the database, wherein a processor receives a request for a withdrawal amount during the payment phase and applies the withdrawal amount to information associated with an individual annuity and further generates an output to permit the withdrawal when scheduled payments under the payment phase are not reduced below a threshold amount; and generating an output corresponding to the partial withdrawal amount or the surrender amount.

CLAIM 35 (Currently amended) A method of administering an annuity contract comprising: providing a database to store information, including an annuitization date and an assumed investment return (AIR); determining whether the contract has annuitized based on the annuitization date; accessing the database to determine the payout option; determining the value of the annuity to correspond to the value of the stream of future annuity payments under the annuity contract; determining entry into a payout phase after the annuitization date, wherein the payout option is an option where payments are made to a predetermined age; after entry into the payment phase, calculating a reserve amount based on information in the database including one or more separate withdrawals made during the payout phase that are processed and issued when the post-withdrawal payments under the payout phase are above a pre-set minimum; generating an output corresponding to the reserve amount; and

providing an option to a user to interact with a processor to select to surrender the annuity **for obtaining a payout of principal in its entirety** during the payment phase.

Allowable Subject Matter

3. Claims 1-39 are pending for allowance. The following is an examiner's statement of reasons for allowance:

Independent Claims 1, 5, 9, 20, 24, and 35 and their dependent Claims 2-4, 6-8, 10-19, 21-23, and 25-34 are allowed because the closest prior art reference Cooperstein (US Pat. No. 5,893,071) alone or in any combination fail to teach or render obvious to one of ordinary skill in the art,

"... and wherein the system is configured to provide to the user during a payout phase a selectable option with which the user interacts to surrender the annuity **to obtain a payout of principal in its entirety** for surrendering the annuity contract during the payout phase; ..."

4. Therefore, Claims 1-39 are allowable over the prior art of record as argued by the Applicant's representative in the response filed 13 August 2009.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN S. FIELDS whose telephone number is (571)272-9734. The examiner can normally be reached MONDAY THRU FRI between the hours of 9AM and 7PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BENJAMIN S. FIELDS
16 September 2009

/Harish T Dass/
Primary Examiner, Art Unit 3692